

# UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America )

Case No: 4:04-811-002 (TLW)

-versus- )

USM No: 13503-002

Malik Abdhul Nelson )

Pro se

Defendant's Attorney

Date of Previous Judgment: June 21, 2010 )*(Use Date of Last Amended Judgment if Applicable)* )

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is **DENIED** (Doc. # 363 & # 368). This case does not qualify because the mandatory minimum overrides the guidelines. Therefore, the guideline range is unaffected by Amendment 750.

**IT IS SO ORDERED.**

Order Date: February 6, 2012s/ Terry L. Wooten*Judge's signature*

Effective Date:  
*(if different from above)*

Terry L. Wooten, United States District Judge